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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,686	07/31/2001	Ghassan E. Jabbour	211603US20	1162
22850	7590	09/01/2004		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER BUEKER, RICHARD R	
			ART UNIT	PAPER NUMBER
			1763	

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/917,686

Applicant(s)

JABBOUR, GHASSAN E.

Examiner

Richard Bueker

Art Unit

1763

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 06 August 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: \_\_\_\_\_

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

*Richard Bueker*  
Richard Bueker  
Primary Examiner  
Art Unit: 1763

Continuation of 5.

Applicant has argued that “the glass wool of the present invention facilitates a more uniform distribution of heat to the organic material deposited on the glass wool, which leads to a more uniform spatial distribution in the vaporized organic material reaching a substrate.” It is noted however, that applicant’s specification as filed does not contain any disclosure regarding distribution of heat, either in the glass wool or in the organic material. The specification as filed also does not contain any disclosure regarding the uniformity of spatial distribution in the vaporized material reaching a substrate. The specification does not actually include any information regarding the position of a substrate with respect to the crucible at the time material is evaporated from the crucible. The claims also do not include any limitation regarding distribution of heat, spatial distribution of vapor reaching the substrate or the presence of a substrate during the evaporation of material from the crucible. It is noted that applicant’s specification states at page 5, lines 19-20, that the vapor from the crucible “can undergo further processing before it deposits on the substrate”, and uniformity of spatial distribution of vapor is not relevant to such a process.

Applicant has argued that “the glass wool of the present invention provides a constant surface level for the vaporizing organic material which leads to a more constant vapor distribution reaching a substrate.” Again, applicant’s specification as filed does not discuss this and the claims do not claim it. If such properties are inherently present in applicant’s glass wool, then these same properties are also

inherently present in the glass wool of Howson, Kikuchi, Nichol and Mead, and the baffle of Greer.

All of applicant's arguments are directed to the evaporation of organic materials, but it is noted that the present claims are not limited to evaporation of organic materials. Applicant's specification at page 3, lines 5-6, states that 'the invention can be used to purify and deposit any sort of molecular material that can be sublimed or evaporated'.

In the previous office action the examiner argued that one skilled in the art would have expected the uniformity of the baffle to affect the uniformity of a deposited coating. Applicant has argued that this is an assertion that is not properly supported. For that reason, the examiner will not rely on that argument. It is further noted in this regard, however, that applicant's invention, as disclosed in the specification as originally filed, and as defined in the present claims, is not concerned with the uniformity of a deposited coating.

Each of Greer, Howson, Kikuchi, Nichol and Spahn teaches the use of a baffle to prevent "spitting" or "spattering" from an evaporation crucible. Greer (col. 1, lines 40-45) describes spitting as characterized by fairly large globs of material being expelled from the crucible. Howson, Kikuchi and Nichol make it clear that spitting can be prevented by the use of a glass wool baffle. For example, Howson (page 272, col. 2, lines 9-10) teaches the step of "subliming through glass wool to prevent spitting". In view of this teaching by Howson it would have been obvious to one skilled in the art to use a glass wool baffle in Greer's crucible, because Greer's goal is to prevent spitting, and Howson teaches that a glass wool baffle achieves that goal. Also, Nichol teaches

(col. 3, lines 32-35) that it was known in the prior art to use glass wool to baffle an evaporation crucible of the type used by Greer.

Applicant has argued that the cited prior art does not teach the claim 1 limitation of "a mass of the glass fibers in each  $\text{cm}^3$  of the glass wool is uniform throughout the glass wool". It is noted, however, that Howson, Kikuchi and Nichol teach that a glass wool baffle will successfully prevent spitting. From these prior art teachings, one skilled in the art would have a reasonable expectation of successfully preventing spitting by using a glass wool baffle that was also uniformly constructed. Also, Kikuchi (paragraph bridging pages 3 and 4 of the translation) identifies the woven condition of the quartz layer, including density and baffling effect, as a baffle design consideration and thus a result-effective variable. Therefore, any particular claimed woven condition of such a quartz layer, including density and/or baffling effect, should be considered *prima facie* obvious in the absence of a showing of unexpected results commensurate in scope with the claims.

Furthermore, Greer at col. 3, lines 39-51, describes his preferred embodiment baffle as having a construction that is notably very uniform. Greer's preferred baffle consists of three layers of wire cloth having a 15x300 weave pattern. Greer states that this baffle "provides a porous mass of material for reception of the vaporized material 19". Because of its notable uniformity of construction, the baffle described at col. 3, lines 39-51 of Greer will inherently have a uniform density. A consequence of constructing a baffle in such a uniform manner is that the mass of the baffle would be uniform throughout the baffle. Greer's stated preference for a baffle that is in fact very

uniformly constructed provides sufficient motivation for one skilled in the art to use a spitting prevention baffle that is uniformly constructed. Also, the fact that Greer's uniformly constructed baffle of uniform density successfully prevents spitting provides a reasonable expectation that a glass wool baffle constructed with a uniform configuration and of uniform density would also successfully prevent spitting.

As noted previously, applicant's specification in the paragraph bridging pages 3 and 4 states: "The mass of glass fibers in each  $\text{cm}^3$  of the glass wool can vary from place to place. Preferably, the mass of glass fibers in each  $\text{cm}^3$  of the glass wool is uniform throughout the glass wool." Thus, applicant teaches that a uniform density glass wool and a non-uniform density of glass wool will be equally successful, and while applicant prefers a uniform density, he gives no explanation for why he prefers it.

Applicant has also argued that "the cited prior art is also silent about the volume over which the density of glass wool is uniform". It is noted, however, that applicant's specification and claims are also silent about the volume over which the density of glass wool is uniform. Applicant's specification does not disclose the actual size or volume of applicant's baffle, and applicant's claims do not claim the size or volume of the baffle. The phrase "a mass of the glass fibers in each  $\text{cm}^3$  of the glass wool is uniform throughout the glass wool" does not specify the actual volume of the baffle.